

LOCAL EXCHANGE SERVICES

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ISSUED: August 8, 1996

EFFECTIVE: October 8, 1996

By: D. Craig Young, President
425 Woods Mill Road, Ste. 300
Town & Country, MO 63017

LOCAL EXCHANGE SERVICES

4. LOCAL EXCHANGE SERVICES

4.1 DESCRIPTION

The Company's Local Telephone Service provides a Customer with the ability to connect to the Company's switching network. The Company's service can not be used to originate calls to other telephone companies caller-paid information services (e.g., 900, 976). Calls to those numbers and other numbers used for caller-paid information services will be blocked by the Company's switch.

4.2 GENERAL REGULATIONS

- 4.2.1 Service Area: Where facilities are available, the Company's service area consists of the area served by the following SWBT Tulsa City-area central offices:

Central, Windsor, Victor, University, Skyline and Mutual.

- 4.2.2 Local Calling Areas: The local calling area for all Customers served by the Company shall include the entirety of the Tulsa City Wide Area Calling Plan as established by applicable orders of the Oklahoma Corporation Commission.

4.3 LOCAL CALLING SERVICE

4.3.1 Description

Local Calling Service provides a customer with the ability to originate calls from a Company-provided access line to all other stations on the public switched telephone network bearing the designation of any central office of the exchanges, areas, and zones included in the caller's local calling area as specified applicable laws and regulations established by the State of Oklahoma, in effect and as amended.

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LOCAL EXCHANGE SERVICES (Continued)

4.4 EMERGENCY SERVICES (Enhanced 911)

- 4.4.1 Emergency service (Enhanced 911) allows customers to reach appropriate emergency services including police, fire and medical services. Enhanced 911 has the ability to selectively route an emergency call to the primary E911 provider so that it reaches the correct emergency service located closest to the caller. In addition, the Customer's address and telephone information will be provided to the primary E911 provider for display at the Public Service Answering Point (PSAP).

4.5 TELECOMMUNICATIONS RELAY SERVICE (TRS)

- 4.5.1 Telecommunications relay service enables deaf, hard-of-hearing or speech-impaired persons who use a Text Telephone (TT) or similar devices, to communicate freely with the hearing population not using TT and visa versa. A Customer will be able to access the state provider to complete such calls.

ISSUED: August 8, 1996

EFFECTIVE: October 8, 1996

**By: D. Craig Young, President
425 Woods Mill Road, Ste. 300
Town & Country, MO 63017**

1 BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

2 IN THE MATTER OF THE RULEMAKING)
3 OF THE OKLAHOMA CORPORATION)
4 COMMISSION TO ESTABLISH RULES AND) CAUSE NO. RM 950000019
5 REGULATIONS FOR LOCAL COMPETITION)
6 IN THE TELECOMMUNICATIONS MARKET.)

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14 Transcript of Testimony
15 (March 7, 1996)
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OFFICIAL REPORTER:

Rita D. Hejny, C.S.R.

rdh-32

more than the incumbent?

MR. EPPS: I don't know that we have a marketing strategy yet on any of this stuff. I wouldn't want--don't mean to be flippant in that answer. The--

CHAIRMAN GRAVES: Well, you all are the only ones so far to file some paperwork, so I was just wondering if there was a marketing strategy.

MR. EPPS: Although we can't tell you our tariff rate yet for reasons of this--

CHAIRMAN GRAVES: And I understand that, but I'm just--as a general premise, I think everybody can agree that it's not likely to see people come in and try and break into a market charging more than the incumbents are going to be charging.

MR. EPPS: No. But if that's the case, then why do you need the rule? And the other--excuse me.

CHAIRMAN GRAVES: And you understand the concern we had about trying to prevent to the extent we can cherry picking from going on in certain areas. And then if the concept is that if you move into an exchange you need to serve all customers within an exchange, that that is--if we can agree that that's a valid public policy goal, then you need to make sure we have rules that sort of encourage people to at least try to do that. And I think we can envision people coming in and saying "Why, gosh! I filed tariffs and nobody wants to buy

rdh-33

1
2 my service at this rate", when everybody knows that, quite
3 frankly, that's not necessarily a good faith effort to compete
4 for that business.

5 MR. EPPS: Again, I'm not saying that I believe
6 this commission would misapply a rule like that,--

7 CHAIRMAN GRAVES: Sure.

8 MR. EPPS: --but again, this is a significant case.
9 If you're asking me what I think about this--

10 CHAIRMAN GRAVES: Sure, and I understand.

11 MR. EPPS: --as a general proposition for other
12 states, I would have to say I have concerns about it. It could
13 be applied in such a way as to form an entrant barrier, keeping
14 people out who have costs a lot higher than that, rates that
15 need to be a lot higher than that, and yet they could only
16 charge the 5%, unless they could, through a struggle in the
17 case, prove otherwise. I don't think you need it. You can
18 deal with this in the certification cases as they come along
19 quite easily without the rule.

20 VICE-CHAIRMAN ANTHONY: Well, let me try and--Cody
21 asked a question. Let's say you had two exchanges, whether
22 they're within the same company or not, and they're at
23 different rates. For easy numbers, one's \$9 and one's \$11, or
24 they might be in two telephone companies where they come
25 together, so it's two separate. There's such a variety of
local rates out there. Now let's say that a new competitive

1
2 BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

3 IN THE MATTER OF THE APPLICATION OF BROOKS) CAUSE PUD NO.
4 FIBER COMMUNICATIONS OF TULSA, INC. FOR A) 960000102
5 CERTIFICATE OF PUBLIC CONVENIENCE AND)
6 NECESSITY TO PROVIDE INTRASTATE LOCAL)
7 EXCHANGE TELECOMMUNICATIONS SERVICES)

8 IN THE MATTER OF THE APPLICATION OF BROOKS) CAUSE PUD NO.
9 FIBER COMMUNICATION OF OKLAHOMA, INC. FOR A) 960000103
10 CERTIFICATE OF PUBLIC CONVENIENCE AND)
11 NECESSITY TO PROVIDE INTRASTATE LOCAL)
12 EXCHANGE TELECOMMUNICATIONS SERVICES)

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FILED
APR 18 1997

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

TRANSCRIPT OF PROCEEDINGS

JULY 15, 1996

OFFICIAL REPORTER:

LYNETTE H. WRANY, C.S.R.

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<u>EXHIBIT NO.</u>	<u>MARKED</u>	<u>ACCEPTED</u>
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2 of presence. So we are doing that today for a piece of
3 service.

4 When we have a switch that is operational and have an
5 interconnection agreement that is operational, we then can
6 in addition to that offer carrier customers, IXC's, the
7 ability to - - we could be the underlying provider on an end
8 to end basis for switched services also.

9 Q. Okay. So if I understand you correctly, carrier
10 customers means people like IXC's?

11 A. Yes.

12 Q. Okay. So where in this picture of services that you
13 are going to provide through these companies do individual
14 residential customers fit in? Or do they?

15 A. They do. We will offer residential service. In fact,
16 you know, the reason the emphasis is on business customers,
17 IXC's and government customers is it is really the type of
18 company Brooks is in terms of getting into the business.

19 When you get into the business as a CAP provider, you
20 are providing high volume dedicated special access and
21 private line services. Well, the only - - the portion of
22 the market that that is economically viable for are
23 carriers, business and government. As we get into offering
24 switch services, we are going to offer service to
25 residential customers. In fact, I don't know what the
experience is going to be across the country, we have been

1 lw-35

2 surprised in our initial switch service operations in Grand
3 Rapids, Michigan that we have gotten a lot more residential
4 customer orders than we had expected.

5 So I think our perception of, you know, previously and
6 coming into the business as a CAP, our expectations, I
7 think, were that we would have a very hard time in the
8 residential market. We would offer service, but we don't
9 have, you know, the national name that some of the big
10 carriers do. But, you know, that may prove incorrect. I
11 think it will depend on locality to locality. But we
12 certainly are going to offer residential service throughout
13 the originating territories that I have described in my
14 testimony.

15 Q. Okay. So basically you are confirming that despite
16 Brooks Fiber Communication's mission is to provide the
17 business, government and carrier customers with an array of
18 services, you also intend to offer it to residential and
19 certainly would not limit your services or preclude
20 residential customers from partaking of any services you
21 might make available to business customers, for example?

22 A. That's correct. I mean, there are certain services by
23 the nature of their either economic or technical, you know,
24 characteristics that are not going to be - - that are going
25 to be attracted to business customers and not residential.

Q. Sure.

1 lw-36

2 A. But with that qualification, the answer is yes.

3 Q. In other words, non - - You would offer your services
4 in a non-discriminatory fashion?

5 A. That's correct.

6 Q. Okay. That is what I was thinking.

7 Another question. Your application requests that the
8 Commission approve Brooks' proposed tariff.

9 You understand and acknowledge that once your final
10 tariffs are submitted, which subsequently they haven't been,
11 but that has been the practice so far, even with AT&T, that
12 once your final tariffs are submitted, that they are subject
13 to final approval by the Director of the Public Utility
14 Division prior to the tariff becoming effective?

15 A. Yes. We understand that.

16 Q. Okay. Under the circumstances discussed earlier
17 regarding the published notice, the discussion we had and
18 you heard the Judge's ruling, I believe you were here, is
19 that correct?

20 A. That's correct.

21 Q. Okay. Is it Brooks' intention to go ahead and
22 republish notice 30 days prior to any subsequent hearing
23 date that the Judge may establish? And would you personally
24 be willing to appear and subject yourself to
25 cross-examination by anyone that might subsequently file any
objection to your application?

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2
3 BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

4 APPLICATION OF ERNEST G.)
5 JOHNSON, DIRECTOR OF THE)
6 PUBLIC UTILITY DIVISION,)
7 OKLAHOMA CORPORATION)
8 COMMISSION TO EXPLORE THE)
9 REQUIREMENTS OF SECTION 271)
10 OF THE TELECOMMUNICATIONS)
11 ACT OF 1996.)

CAUSE NO. PUD
970000064

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16 TRANSCRIPT OF PROCEEDINGS

17 April 14, 1997
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OFFICIAL REPORTER:

Bertha McMurry

bwm -68

1 our switch, it is over leased Southwestern Bell T-1 facilities.

2 MR. MOON: I have nothing further, Your Honor.

3 THE COURT: Thank you. Mr. Toppins, questions?

4 MR. MOON: Your Honor, may I ask: is further cross
5 restricted to the scope of my cross?

6 MR. TOPPINS: We haven't had any cross yet. It was
7 all friendly.

8 CROSS EXAMINATION

9 BY MR. TOPPINS:

10 Q Mr. Cadieux, the sentence that Mr. Moon read to you that
11 was in Southwestern Bell's draft brief, did you comment on that
12 in your comments or testimony regarding the inaccuracy of it?

13 A I don't know that we specifically referred to that, but I
14 did very explicitly identify how Brooks customers were being
15 served and was specific on that point in my initial comments.

16 Q Have you had a chance--and I know the time has been short;
17 have you had a chance to see whether the statement was correct
18 in the brief that was filed with the FCC?

19 A No, I have not had that opportunity.

20 Q With regard to your residential customers, we have heard
21 today that they are only employees of Brooks Fiber; is that
22 correct?

23 A That is my understanding, yes.

24 Q Do you have a tariff that has been approved by the
25 Commission?

1 Yes, we do.

2 Q And a service territory that has been approved by the
3 Commission?

4 A Yes, we do.

5 Q And does that tariff not hold Brooks out to offer the
6 service contained in that tariff to the customers within that
7 service territory as approved by the Commission?

8 A It does, but the question is at what time. I would be
9 happy to address that at some length if you would like to
10 discuss it. But our view is it doesn't require us to hold
11 ourselves out immediately at this point.

12 Q Unlike Southwestern Bell. When they file a tariff, the
13 service has to be available.

14 A Well, Southwestern Bell is in a little bit different
15 circumstance. It is an established company that has its
16 territory established under a monopoly. We are a new company.
17 We have indicated all along that we do not intend to provide
18 service on a resale basis to any significant extent. If we were
19 to try to get into residential service on any broad scale
20 immediately, we would have to do it on a resale basis because we
21 don't have the availability of what is our preferred method of
22 operation, the unbundled loop availability.

23 Q I was asking about the method that you used. Will you
24 offer local exchange service as contained in your tariffs that
25 have been approved by the Commission to individuals who reside

bwm -70

1 within the service territory that you sought authority to
2 provide service to.

3 A We will, but the method is important from our aspect
4 because it dictates the timing when we will be able to do that.

5 Q You may then reject a customer's request for local service?

6 A We will not process applications for residential service at
7 this point.

8 Q Even on a resale basis?

9 A Even on a resale basis; that is correct.

10 Q Is that made clear in your tariffs?

11 A I don't know that-- Well, there is a provision in the
12 tariff I think generally that talks about "subject to the
13 availability of appropriate facilities and services."

14 MR. TOPPINS: Nothing further.

15 THE COURT: Any other questions. Thank you, Mr.
16 cadieux, you may step down.

17 MR. GIST: That's all we have, Your Honor.

18 THE COURT: Thank you. Ms. Johns?

19 MS. JOHNS: Thank you, Your Honor. I will try to be
20 brief as well.

21 As you may be aware, Cox is certificated to provide local
22 exchange and exchange access service in Oklahoma. To that end
23 we filed a request for intervention with Southwestern Bell and
24 we have been negotiating with them for the last few months.

25 Just last week we filed an interconnection agreement with

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of
Application by SBC Communications Inc.,
Southwestern Bell Telephone Company,
and Southwestern Bell Communications
Services, Inc. d/b/a Southwestern Bell Long
Distance for Provision of In-Region,
InterLATA Services in Oklahoma

CC Docket No. 97-121

**AFFIDAVIT OF WILLIAM C. DEERE ON BEHALF OF
SOUTHWESTERN BELL TELEPHONE COMPANY**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, William C. Deere, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is William C. Deere. As the Regional Manager -- Planning and Engineering for Southwestern Bell Telephone Company ("SWBT"), I am thoroughly familiar with the operation of Southwestern Bell's telecommunications network, including the technical requirements for interconnection with competing local service providers (CLECs).
2. Through virtual collocation arrangements, CLEC's have access to all of the features and functions -- including unbundled network elements -- which are available under their interconnection agreements with SWBT. In compliance with FCC rules, the functionality of virtual collocation is comparable to that provided through physical collocation.
3. The availability of virtual collocation means that Brooks Fiber is fully capable of obtaining, and SWBT is fully capable of providing: 1) access to all unbundled network elements in the Oklahoma City and Tulsa central offices where virtual collocation arrangements are operational; and 2) transport to other central offices and/or exchanges.
4. This concludes my affidavit.

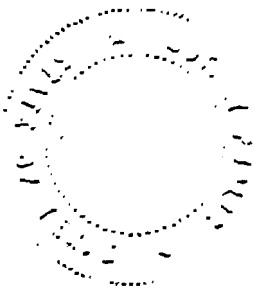
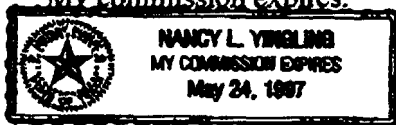
The information contained in this affidavit is true and correct to the best of my
knowledge and belief.

William C. Deere
William C. Deere

Subscribed and sworn to before me this 28th day of April, 1997.

Nancy L. Yingling NOTARY PUBLIC

My commission expires:



**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of
Application by SBC Communications Inc.,
Southwestern Bell Telephone Company,
and Southwestern Bell Communications
Services, Inc. d/b/a Southwestern Bell Long
Distance for Provision of In-Region,
InterLATA Services in Oklahoma

CC Docket No. 97-121

**AFFIDAVIT OF DEANNA SHEFFIELD ON BEHALF OF
SOUTHWESTERN BELL TELEPHONE COMPANY**

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

I, Deanna Sheffield, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Deanna Sheffield. I am the Account Manager--Competitive Provider Account Team for Southwestern Bell Telephone Company ("SWBT"). In this job position I have administrative responsibilities for implementation of collocation requests for Brooks Fiber accounts.
2. In Oklahoma, as of April 25, 1997, SWBT has completed and turned over four physical collocation "cages" to Brooks Fiber for the installation of Brooks' transmission equipment. SWBT is waiting for Brooks and Brooks' vendor to complete their work.
3. Once installation of Brooks' transmission equipment is complete, SWBT and Brooks will conduct joint continuity testing to ensure that their networks are fully interconnected through the physical collocation arrangements.
4. In addition to the foregoing Brooks and SWBT has two fully operational virtual collocation arrangements in Oklahoma, one in Tulsa and one in Oklahoma City.

The foregoing affidavit is true and correct to the best of my knowledge, information, and belief.

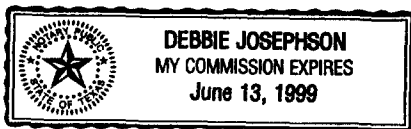
Deanna Sheffield

Deanna Sheffield

Account Manager - Competitive Provider Account Team
SOUTHWESTERN BELL TELEPHONE COMPANY

STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

Subscribed and sworn before me, the undersigned authority, on this 25th day of
XXXXXXXXXXApril, 1997.



Debbie Josephson
NOTARY PUBLIC
DEBBIE JOSEPHSON

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 1997, I caused copies of the Opposition of Southwestern Bell to ALTS' Motion to Dismiss and Request for Sanctions to be served upon the parties on the attached service list by first class mail or hand delivery.


Bernadette Murphy